

REMARKS

This Amendment, pursuant to 37 C.F.R. §41.33(a), is being filed after the filing of a Notice of Appeal (filed January 14, 2010) but before the filing of an appeal brief. This Amendment is responsive to the Examiner's objection (in the Final Office Action dated October 14, 2009) of claims 26 and 32.

In the Final Office Action of October 14, 2009, the Examiner objects to claims 26 and 32 because of an informality. More specifically, the Examiner asserts that claims 26 and 32 do not further limit independent claims 21 and 28, respectively. In order to simplify issues on appeal, claims 26 and 32 have been canceled herein. In view thereof, it is submitted that the Examiner's objection to claims 26 and 32 has been obviated, and withdrawal of the same is respectfully requested.

Furthermore, claim 1 and withdrawn claim 8 have been amended to correct minor grammatical errors. Appellants submit that no new matter has been introduced in light of these minor corrections.

All other outstanding issues will be addressed in Appellants' appeal brief, which will be filed subsequent to the filing of this Amendment.

Entry and consideration of this amendment are proper under 37 C.F.R. § 41.33(a) for at least the following reasons. The present amendment complies with form requirements expressly set forth in the Final Office Action, and makes changes which place the application in better form for consideration on appeal. The amendment does not raise new issues requiring further search or consideration. Therefore, entry of the present Amendment is proper under 37 C.F.R. § 41.33 and is hereby requested.

Further and favorable consideration is requested. If the Examiner believes it would expedite prosecution of the above-identified application, the Examiner is cordially invited to contact Appellants' Attorney at the below-listed telephone number.

Respectfully submitted,

DIERKER & ASSOCIATES, P.C.

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